

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Emmanuel Enang

Write the full name of each plaintiff.

16 cv 3484

(Include case number if one has been assigned)

Amend  
**COMPLAINT**

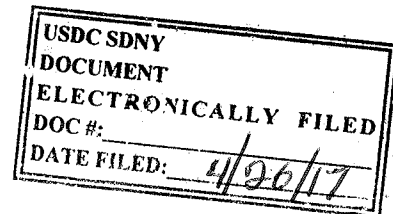
Do you want a jury trial?

☒ Yes ☐ No

-against-

Police Officer Frankly Galindo #29367  
Police Officer Dino Davila #02934  
Police ~~Sgt~~ Sergeant ~~Joseph~~ Joseph Daria  
# 00726

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.



**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

S.D. OF N.Y.

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## I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ Federal Question

☐ Diversity of Citizenship

### A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

14 Amendment excessive force  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### B. If you checked Diversity of Citizenship

#### 1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, \_\_\_\_\_, is a citizen of the State of  
(Plaintiff's name)

\_\_\_\_\_  
(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

\_\_\_\_\_  
If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, Officer Frankly Galindo #29367  
Officer Dino Davila #00784, is a citizen of the State of  
 (Defendant's name) Sergeant Joseph Doria #00726

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of \_\_\_\_\_.

If the defendant is a corporation:

The defendant, \_\_\_\_\_, is incorporated under the laws of the State of New York

and has its principal place of business in the State of New York

or is incorporated under the laws of (foreign state) \_\_\_\_\_

and has its principal place of business in New York.

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

## II. PARTIES

### A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Emmanuel A Enang  
 First Name Middle Initial Last Name  
814 Falle street apt 1  
 Street Address  
Bronx New York 10474  
 County, City State Zip Code  
917-569-3063  
 Telephone Number Email Address (if available)

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1: Frankly Galindo # 29367  
 First Name Last Name  
Police Officer  
 Current Job Title (or other identifying information)  
46 pol 2120 Ryer Avenue  
 Current Work Address (or other address where defendant may be served)  
Bronx NY 10457  
 County, City State Zip Code

Defendant 2: Dino Davila # 02934  
 First Name Last Name  
Police Officer #  
 Current Job Title (or other identifying information)  
46 pol 2120 Ryer Avenue  
 Current Work Address (or other address where defendant may be served)  
Bronx New York 10457  
 County, City State Zip Code

Defendant 3: Joseph Dorla # 00726  
 First Name Last Name  
Police Sergeant  
 Current Job Title (or other identifying information)  
46 pol 2120 Ryer Avenue  
 Current Work Address (or other address where defendant may be served)  
Bronx New York 10457  
 County, City State Zip Code

Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

## III. STATEMENT OF CLAIM

Place(s) of occurrence:

Lobby 1895 University Ave Bronx  
New York 10453

Date(s) of occurrence:

23-NOV-2015 approximately 8:50 pm to 1:30 am

## FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

I was kick & punch numerous times By BOTH officer's Dino Davilla #02934 & Officer's Frankly Galindo #29367. While handcuff. Officer's Frankly Galindo Place his service weapon to the left side of my temple grinding the Muzzle on the side of my Head while handcuff. It was a family dispute an when the superior officer came Sergeant Joseph Doria #00726. I told him about what the two above name officer did. He laugh and didn't handle the situation right.

see attached

see attached

**INJURIES:**

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Back pains to the lower & upper  
part. P.T.S.D

**IV. RELIEF**

State briefly what money damages or other relief you want the court to order.

I'm seeking \$5 million dollars

Long story short on 23-NOV-2015 approximately 8:30<sup>PM</sup> to 1:00<sup>AM</sup> Not sure of the time. My brother girlfriend call the police on me. Trying to get me kicked out of my grandma house who is deceased. Shortly after they came I say approximately one to two hours. I open the door for them allowed her to tell her story, they asked to see my I.D. I showed them my new york state permit along with Mail & old rent checks.

And then I ask the officer's to ask her to show her I.d. which she produce an out of town Ohio State I.d. card with a sad story. At that time the officer's said I don't have to leave that's when I asked the officer to ask her to leave, because she has no right beeing here. Due to family issues. She told the officer's that I'm crazy an fuck his grandma. She's dead an that I'm on drugs an I be stealing.

At that time I became agitated. It's four days after my grandma birthday. I stated to the officer. actually they was standing in the Hallway in front of the Master bedroom a couple of feet away from where I had a picture of my grandma an some candle's burning. An my brother girlfriend was still talking trash about my grandma. At that time I walk to the livingroom an broke the T.V. that I bought, walk back to the Hallway standing in front of the kitchen door way. It's was a loud noise when I hit the t.v. with the hammer I put it down Before I walk in the area where they can see me. I put the hammer down after I stroke the t.v. an walk to the area where they can see me. Nothing was in my hands at that time I felt helpless

An at that time the officer stated to me what are you crazy. An at that time my brother girlfriend stated to the police see I told you He's crazy High off drugs.

I wasn't in No threaten Manner nor did I hand anything in my hands you can clear see where my hands because they were down in front of me. I said that's my T.V. an this is my grandmother's house an things aint right. The reason why I know where my hands was because my fingers ~~was~~ spread down grabbing air. My little cousin shame Lowest was there, I was calm looking into his eye's an ~~hearing~~ seeing the pain in his eye know that I was on the right. It was fast because after that brief moment Both officer pull out they service weapon like the Both was going to empty the clip on me. At that very same time I said an I calm manner I have nothing in my hands. My brother girlfriend said I got a gun. One officer

Back up still with his service weapon drawn. While the ~~of~~ other officer step aside still with his service weapon drawn and told me to exit the apartment.

with my hands up and a fast walking ~~past~~ pass toward the door. the officer who was standing by the door kick me in the back I jump down the stairs and made it to the lobby door of 1895 University Avenue Bronx N.Y. 10453.

My body was facing the entrance door and my back was facing the elevator door. My hands still in the air. I heard the officer say freeze and drop down to your knee I did as I was told. And all I was saying to myself is grandma please help me and drop to my knees that when both officers ran towards me kick me on my side that place me face down on the floor while the other officer place me in handcuff. I was resistance at all and the other officer

Withdrew his service weapon Muzzle  
at the side of my temple. grinding it  
on my left side above my ear. Say in a  
medium-low tone. is you stupid, I should  
shot you. or kill you one of the two.

I just went Blank all I was  
~~saying~~ saying Shane He got the gun  
to my head, is this nigga stupid  
still not resistance. My mind just  
went Blank. That was going on  
for like a couple of minutes while  
his partner was making a radio  
transmission over the radio  
for back up still getting his hits  
in.

Right Before Back up arrive  
They sat me up. and drag me to  
in front of the elevator seating me  
upright. At that time I became  
very agitated. Say Nigga don't you  
know what you just did.

And at that ~~at~~ very same  
time I was able to face Shane  
Lowest who was standing on top  
of the step in BGS University.  
standing with his phone out I didn't  
Realize He was Recording the incident

That accord in the hallway of 1895 University Ave Bronx N.Y. 10453. Nor did the Police officer's Notices Shane Lavast video taping the incident. They was so busy violating my Rights. I didn't ~~not~~ know about until the next day.

A little while before back up arrive they stop assaulting me. When the other officer's came in the lobby area of 1895 University Ave Bronx N.Y. 10453. Approximately six to eight officer responded.

At that time I told the superior officer what had taken place just before they came. That his officer assault me an that one of put his service weapon to my temple.

He stated to me How did I feel. I said Like my whole world was over. An than He stated see you live, sue an get some money you poor bastard.

At that time ~~I~~ the ambulance arrive an I told them what happen.

They kept me handcuff an escorted me on the ambulance at that point the officer that put his service weapon got in ~~back~~ the ambulance.

At that time I became real agitated. I told the E.M.S. worker that this the officer who try to kill me. Get him out of here.

They ignore my allegation a proceed to Bronx Lebanon. As soon as I enter the emergency room I told staff what that officer did to me.

And nobody ~~if~~ listen to what I ~~have~~ had to ~~say~~ say. The cuff was remove an I was examine an then let go without further incident.

Yours Truly

Emmanuel Ewing

**V. PLAINTIFF'S CERTIFICATION AND WARNINGS**

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

4/11/17  
 Dated  
 Emmanuel A Engng  
 First Name Middle Initial Last Name  
 814 Faile Street apt 1  
 Street Address  
 BRONX New York 10474  
 County, City State Zip Code  
 917-569-3063  
 Telephone Number  
 Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☒ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.